

REGULAR CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, MAY 5, 2009

The City Council of the City of Leon Valley, Texas, met on the 5th day of May 2009 at 7:00 p.m. at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

REGULAR CITY COUNCIL MEETING - 7:00 P.M.

Call to order and Pledge of Allegiance.

Mayor Riley called the Regular City Council Meeting to order at 7:03 p.m. and asked that the minutes reflect the following members of Council were present: Reyna, Baldrige, and Nelson. Mayor Riley announced that Councilman Manea had an excused absence as he was out of town and Councilmember Dean's absence was also excused, as he was also out of town.

City Manager Lambert, City Secretary Feutz, Fire Chief Irwin, Community Development Director Flores, Economic Development Director Ryan, Police Chief Wallace, and Assistant City Attorney Onion were also present.

Mayor Riley welcomed students in attendance from O'Connor High School and asked the students to lead the group in the Pledge of Allegiance.

Presentation of Certificate of Appreciation to Wine 101 for contribution to the Volunteer Appreciation Reception.

Mayor Riley recommended since Councilman Manea was absent from this meeting, she would like for the presentation to be delayed to the May 19, 2009 City Council meeting.

A motion was made by Councilman Reyna, seconded by Councilmember Baldrige, to move this presentation to the agenda of the May 19, 2009 City Council meeting. Upon vote, Mayor Riley announced that the motion carried and the presentation would be held on May 19, 2009.

Citizens to be heard and time for objections to the Consent Agenda.

Mayor Riley asked Councilmembers if they wished for anything on the Consent Agenda to be removed for further discussion. Hearing no requests, Mayor Riley then asked if anyone in the audience wished to address the Council.

City Manager Lambert addressed Council announcing the City's receipt of a check from the Texas Municipal League's Intergovernmental Risk Pool returning equity in the amount for just over \$31,000. Mr. Lambert attributed the return to the City's efforts to reduce claims over the last couple of years.

Seeing no one else to come forward for the "Citizens to be heard" portion of the meeting, Mayor Riley asked for a motion to approve the following Consent Agenda items:

Consent Agenda

Consider approval of the minutes for the Special City Council Meeting, the

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Special City Council Workshop, and the Regular Council Meeting of April 21, 2009 and the Special City Council Workshop Meeting of April 17, 2009(Feutz).

Consider action on Ordinance appointing a member to the Trade and Market Days Committee - Irene Ruiz (Mayor Riley).

A motion was made by Councilman Reyna, seconded by Councilmember Baldrige, to approve the full Consent Agenda, as listed above. Upon vote, Mayor Riley announced that the motion carried and that Consent Agenda items were approved.

Action Agenda

Consider M&C # 05-01-09 - with attached ordinance - a request to amend the City Code of Ordinances, Chapter 4 "Business Regulations", Article 4.08 "Adult Entertainment Establishments", Division 4 "Location", Section 4.08.103 (g) "Granting of Exemptions" to allow for triennial review of applications for exemption by the City Council, with the Chief of Police having the authorization to allow exemptions between Council review periods (Chief Wallace).

Chief Wallace addressed Council explaining that the request was to amend the current Code section which regulates exemptions to location restrictions for Adult Entertainment Establishments. He explained that any adult entertainment establishment lawfully operating prior to the effective date of the Ordinance was deemed to be a non-conforming use. He noted that after the three-year period, that adult entertainment establishment may request an exemption from City Council to remain open. Chief Wallace provided Council with the guidelines used in granting an exemption to the Code: if it was found that the establishment was not having a detrimental effect on nearby properties or was contrary to the public safety and welfare and if the establishment was not downgrading property values and the quality of life in the adjacent areas nor causing urban blight. Chief Wallace proposed having the Council review the exemption every three years, rather than annually as now required by City Code, and during the two interim years, Council could authorize the Chief of Police to review the exemption request and if there were not negative findings, the Chief of Police could renew the exemption for a one-year period, but no more than a total of twice in any three-year period. He noted that all other provisions of the Code affecting Adult Entertainment Establishments would remain unchanged.

Following brief discussion, a motion was made by Councilmember Baldrige, seconded by Councilmember Nelson, to approve the amendment to the City Code for Section 4.08.103(g) as proposed. Upon vote, Mayor Riley announced the motion carried and the amendment was approved.

Consider M&C # 05-02-09 - a request by Ricky's Video Place, at 5736 Wurzbach Road, for an exemption to the location restrictions in the City Code of Ordinances, Chapter 4 "Business Regulations", Article 4.08 "Adult Entertainment Establishments, Division 4, "Location"(Chief Wallace).

Chief Wallace addressed Council presenting the request for an exemption to the location restrictions imposed by Article 4.08 "Adult Entertainment Establishments" in the City Code of

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Ordinances, and as just amended by Council action. He reported that for the statistical review, no criminal activity was found to be attributable to the location, the business has had no apparent effect on property values of adjacent properties, and no information is available regarding the award or denial of public or private grants for properties adjacent to this business. Chief Wallace stated that the property owner reported no vacancies due to this applicant at their current location. Chief Wallace stated that the request for this exemption will fall under the new Ordinance just approved by Council and if the exemption request for Ricky's Video Place was approved by Council, the Chief would consider any exemption requests in the next two years, and unless there were irregularities, the exemption request would not be returned to Council.

A motion was made by Councilman Reyna, seconded by Councilmember Nelson, to approve a one-year exemption to the location restrictions in the City Code of Ordinances for the Adult Entertainment Establishment located at 5736 Wurzbach Road, known as Ricky's Video Place. Upon vote, Mayor Riley announced the motion carried.

Consider action on M&C # 05-03-09 - a request to grant an exception to requirements of City Code Chapter 4, Article 4.06 "Garage Sales" for a one-time "Citywide Garage Sale" event to be held on Saturday, June 13, 2009 in conjunction with Trade and Market Days and which would waive the requirement for a garage sale application and permit and waive the requirement for no more than two garage sales within a twelve-month period (Lange/Ryan).

Trade and Market Day Committee Chair Nita Lange and Economic Development Director Ryan addressed Council requesting consideration of granting an exception to City Code requirements for a garage sale application and permit for a one-time "Citywide Garage Sale" to be held on Saturday, June 13, 2009, in conjunction with the June Trade and Market Day. Ms. Ryan explained that no garage sale permit application would be required and no permit would be issued for garage sales in the City on that one day. Ms. Ryan stated that Trade and Market Days advertising would also advertise the garage sale event. Ms. Lange reported that a survey of area cities indicated that the residents and shoppers were very supportive of the activity. It was reported that about 11% of city residents hold one garage sale per year.

Council discussion recommended that in the future this type of event should be coordinated with the citywide brush and bulky item pickup dates and that the event be included in the next Lion's Roar to get the word out to the residents. Discussion also clarified that the garage sales would take place at the homes of the residents.

A motion was made by Councilman Reyna, seconded by Councilmember Nelson, to approve the request for a citywide garage sale on June 13, 2009 in conjunction with the Trade and Market Days event as proposed. Upon vote, Mayor Riley announced the motion carried.

Ms. Lange also handed out a calendar of events for upcoming Trade and Market Days and reminded everyone of the May 9, 2009 Trade Day and car show.

Discussion Agenda

Discussion on council-initiated rezoning of properties to mixed-use zoning districts (Lambert).

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City Manager Lambert addressed Council reporting on the approaches taken by other area cities to future development. He stated that both Boerne and Balcones Heights had used a moratorium to halt development while a plan was developed to address specific issues with each of these cities. He explained that with almost 85% - 86% of Leon Valley being built out, there were three large parcels of undeveloped property and much discussion has been heard on how those parcels should be developed: the Huebner/Evers Roads corner property currently zoned B-2 (Retail), an area of the Seneca III Subdivision currently zoned R-1 (Single-family Dwelling), and an area around Poss Road, between Grissom and Bandera Roads, which is also currently zoned for commercial uses. Mr. Lambert stated that the City had been advised to consider greater density for sustainability and asked Council if they were interested in Council-initiated rezoning or a moratorium on future development at these sites. He informed Council that the Zoning Commission has indicated that they were willing to further evaluate the definition of "mixed-use" zoning for the City.

Councilmembers discussed their interest in considering these options, but wanted to know more details on how either of these actions would work and asked that a full report be brought before Council at the next meeting with an opportunity for Council to take action. Discussion also included the Council's wish to work toward the City's sustainability goals.

Discussion on proposed ordinance establishing the City Tree Board (Flores).

Community Development Director Flores addressed Council reviewing the Leon Valley Tree Challenge goals and then presented a proposed ordinance which outlined the duties and responsibilities of a proposed Tree Advisory Board (TAB) to monitor and oversee the Tree Challenge Program.

Council discussion on proposed staggered terms of this board be changed to terms co-terminus with the Mayor and the importance of trees being recommended that will survive in the area planted, especially if they are planted as part of the Bandera Road improvements' project.

Councilman Reyna recommended Denise Berger as a member on the Board and it was suggested that Debbie Reid be consulted for arborist assistance.

City Manager's report (Lambert).

A. Flu Report

City Manager Lambert reported that the recent TML Region 7 meeting had been canceled due to the H1N1 Flu precautionary measures being taken in the area. He announced that the Centers for Disease Control have eased the required precautionary measures announced a few weeks ago, but he encouraged everyone to be careful.

B. Update on Leon Valley Economic Development Corporation (LVEDC) Board of Directors.

Mayor Riley reported that on May 4, 2009, at a Special City Council Meeting, the City Council had completed the review of applicants and interviews of candidates and had voted to appoint the following individuals to be members of the Board of Directors: Michael McCarley, Nancy Marin, Abraham Diaz, Claude Guerra, Mike Davis, Georgia

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Zannaras, and Alberto Milmo. Mayor Riley stated that the Economic Development Director would be contacting the Board members and congratulated members of the new Board who were in attendance at the Council meeting.

Citizens to be heard.

None.

Announcements.

A. Report on 2009 Volunteer Appreciation Reception

Mayor Riley expressed her appreciation to staff and volunteers and Council for their participation and support of the reception held on April 29, 2009. She complimented Cha Cha's Mexican Restaurant and Ricardo Ruiz and musicians Cleo Aufderhaar and Robert Atwood for their contributions to the celebration.

B. Report on Lackland AFB JLUS Meeting (Councilmember Nelson)

Councilmember Nelson reported on the Fiesta Parade Reception that she attended on the Mayor's behalf.

C. VIA Public Hearings on Bus Rapid Transit

Mayor Riley reported on public hearings being held for public input on the Bus Rapid Transit (BRT) program by VIA. She encouraged anyone interested to attend to voice support for extending the BRT into Leon Valley in the future.

D. TxDOT Ribbon Cutting for Elevated Ramp from Loop 410 to Bandera Road

Mayor Riley reported that the elevated ramp from Loop 410 to Bandera Road would be opened in the next week. She invited Councilmembers to join her in cutting the ribbon with TxDOT for the opening.

E. Trade and Market Days - May 9, 2009, 9:30 a.m. - 4:30 p.m.

Mayor Riley again reminded everyone of the upcoming Trade and Market Day to be held on Saturday, May 9, 2009.

F. Xeriscape and Beautification Award Program - nominations accepted until May 22, 2009

Mayor Riley encouraged residents and businesses to consider nominating Leon Valley community members for their efforts to beautify Leon Valley - both business and residential addresses. She reminded them that nomination forms are posted on the City's website and are due by May 22, 2009.

G. Farmer's Market - Wednesdays - 8:00 a.m. - 1:00 p.m. beginning May 6, 2009.

Mayor Riley reminded everyone of the wonderful fresh produce and flowers available in Leon Valley at the Farmer's Market.

Economic Development Director Ryan reminded everyone of the Leon Valley Historical Society's mixer and business meeting on May 14, 2009 from 5:30 - 7:30 p.m. at the Huebner Onion Homestead to promote the City and to help the nonprofit group.

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Adjourn.

Hearing no further business, a motion was made by Councilman Reyna, seconded by Councilmember Nelson, to adjourn the meeting. Hearing no objections, Mayor Riley announced the meeting adjourned at 8:05 p.m. and reminded everyone that the next Council Meeting would be held on May 19, 2009.

ATTEST:

Chris Riley
Mayor

Marie Feutz
City Secretary

Approved by vote of City Council at the Regular City Council Meeting of May 19, 2009.